UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 December 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 6, 29, 31, 52, 55, and 58-60 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 6, 29, 31, 52, 55, and 58-60 recites "(c) receiving a message for the subscriber and (d) forwarding/recording a voice mail to the subscriber". The specification does not enable two different method/means for *receiving a message for the subscriber And forwarding/recording a voice mail to the subscriber*. The specification discloses "receiving a message for the subscriber" as the actual voice mail message for the subscriber(see specification page 14 lines 13-17) so it is not known what the phrase "forwarding a voice mail to said subscriber" is referring to. The spoken "voice mail" refers to the voice mail of the calling party and not forwarding/recording a voice mail to the subscriber (page 14 lines 19-21) as the claim recites which raises enablement issues. Appropriate clarification and/or correction is required.

2.   **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 9, 20, 31, 35, 36, 39, 50, and 57 rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claims 4, 9, 20, 31, 35, 39, 50, and 57 recites the phrase "said voice message" in

line 4. It is unclear and confusing if the phrase refers to "a voice message" in line 6 of

claim 1, or "a voice message" in line 9, or "a message" in line 14 since this message is a

voice message, or it could even refer to "one of content equivalent messages" in line 3

of claim 4. This confusion makes the claim indefinite. Appropriate clarification and/or

correction is required.

Claim 36 line 11 recites "so as to support alternative establishment of

communication...using means other than calling the telephone number", the

specification does not disclose using another means besides the control means as

recited and therefore makes the claim indefinite.

Furthermore the phrase "so as to" renders the claim indefinite because it is unclear

whether the limitations following the phrase are part of the claimed invention. See

MPEP § 2173.05(d). Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-62 rejected under 35 U.S.C. 102(b) as being anticipated by Pirz et al., Patent #4,348,550.

Claims 1 and 32, Pirz teaches a method of providing voice responses to commands comprising the steps of receiving a first command(Fig.1 and Fig.8); associating said first command with a subscriber to be called: selecting a first processing option in response to said first command; providing a voice message indicative of said first processing option selected including identification of said subscriber(col.19 lines 16-26 and col.21 lines 21-24); providing a silent delay period of a predetermined duration immediately subsequent to a completion of said step of providing a voice message(col.18 lines 1-2, col.20 lines 19-22, or col.22 lines 16-19); and selectively (i) initiating alternate processing in response to a receipt of a second command input during said silent delay period(col.22 lines 15-19), said alternate processing selected from the set of actions consisting of (a) listing information for said subscriber(col.21 lines 11-19 and col.22 lines 41-56) (b) providing an alternate telephone number for said subscriber(col.18 lines 65-68), (c) receiving a message for said subscriber(*col.22 lines 53-62; talking to the subscriber reads on 'receiving a message for subscriber'*), and (ii) initiating said first processing option in response to an absence of said second command input for a duration of said silent delay period to thereby initiate a call to said subscriber(col.22 lines 8-56).

Regarding claims 6 and 36, Pirz teaches a method and means of telephone dialing using a voice activated dialer including a directory of subscriber names and telephone numbers(Fig.1 and Fig.8), the method comprising the steps of selecting one

of said subscribers most closely corresponding to a first speech input(col.21 line 64-

col.22 line 18);

providing a speech output corresponding to the selected one of said subscribers;.

providing a silent delay period of a predetermined duration immediately subsequent to a

completion of said step of providing a speech output; and, selectively (i) initiating

alternate processing in response to a receipt of a command input during said silent

delay period, said alternate processing selected from the set of actions consisting of (a)

announcing one of said telephone numbers associated with the selected one of said

subscribers, (b) providing alternate telephone number of said selected one of said

subscribers, (e) receiving a message for said selected one of said subscribers, and (d)

recording a voice mail for the selected one of said subscribers and (ii) dialing the

telephone number corresponding to the selected one of said subscribers immediately

after said delay period and in response to an absence of said command input for a

duration of said silent delay period (col.21 lines 11-24 and col.22 lines 1-62; further see

detailed explanation in claim 1 above).

  Regarding claims 2, 3, 33, and 34 Pirz teaches the method and means according

to claims 1 and 32 wherein said duration of said silent delay period is in a range of 1.5

to 2.0 seconds *(col.18 lines 1-2, lines 45-49, and col.19 line 65-col.20 line 24).*

  Regarding claim 5, Pirz teaches the method according to claim 1 wherein said

first and second commands comprises a speech input (col.21 11-24 and col.22 lines 1-

62; further see detailed explanation in claim 1 above).

Regarding claims 7, 8, 37, and 38 Pirz teaches the method and means according

to claims 6 and 36 wherein said duration of said silent delay period is in a range of 1.5

to 2.0 seconds *(col.18 lines 1-2, lines 45-49, and col.19 line 65-col.20 line 24)*.

Regarding claims 10 and 40, Pirz teaches the method and means according to

claims 6 and 36 wherein said command input comprises a DTMF audio signal *(col.21

11-24 and col.22 lines 1-62; further see detailed explanation in claim 1 above)*.

Regarding claims 11 and 41, Pirz teaches the method and means according to

claims 6 and 36 wherein said command input comprises a second speech input and

said method further comprises a step of listening for said second speech input*(col.21

11-24 and col.22 lines 1-62; further see detailed explanation in claim 1 above)*.

Regarding claims 12, 13, 42, and 43 Pirz teaches the method and means

according to claims 11 and 41 wherein said second speech input comprises one of a

plurality of predetermined spoken command*(col.21 lines 11-24 and col.22 lines 1-62)*.

Regarding claims 14 and 44, Pirz teaches the method and means according to

claim 11 and 41 wherein said step of listening includes recognizing said second speech

input to provide speech content data and comparing said speech content data with a list

of alternative processing commands *(col.21 lines 11-24 and col.22 lines 1-62)*.

Regarding claims 15 and 45, Pirz teaches the method and means according to

claims 11 and 41 further comprising the steps of: receiving said first speech input and

recognizing a content of said first speech input; and comparing said content with said

directory *(col.21 lines 11-24 and col.22 lines 1-62)*.

Regarding claims 16 and 46, Pirz teaches the method and means according to claims 15 and 45 wherein said command input comprises a second speech signal and said method further comprises a step of listening for said second speech input *(col.21 lines 11-24 and col.22 lines 1-62).*

Regarding claims 17 and 47, Pirz teaches the method and means according to claims 16 and 46 wherein said step of listening includes the steps and means of receiving said second speech input and recognizing a content of said second speech input; and comparing said content with a list of alternative processing commands *(col.21 lines 11-24 and col.22 lines 1-62).*

Regarding claims 18, 19, 48, and 49, Pirz teaches the method and means according to claims 16 and 47 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds *(col.18 lines 1-2, lines 45-49, and col.19 line 65-col.20 line 24).*

Regarding claims 21 and 51, Pirz teaches the method and means according to claims 16 and 36 wherein said step of providing a speech output includes retrieving audio data corresponding to said selected one of said subscribers and converting said audio data into said speech output *(col.21 lines 11-24 and col.22 lines 1-62).*

Regarding claim 22, Pirz teaches the method according to claim 21 wherein said step of converting said audio data into said speech output includes decoding said audio data *(col.21 lines 11-24 and col.22 lines 1-62).*

Regarding claim 23, Pirz teaches the method according to claim 21 comprising

converting said audio data into said speech output including concatenating a plurality of phonemes *(col.21 lines 11-24 and col.22 lines 1-62)*.

Regarding claim 24, Pirz teaches the method according to claim 21 wherein said step of converting said audio data into said speech output includes a step of synthesizing speech from said audio data*(col.21 lines 11-24 and col.22 lines 1-62)*.

Regarding claims 25 and 26, Pirz teaches the method according to claim 6 wherein said alternate processing includes providing a speech output corresponding to the telephone number of said selected one of said subscribers *(col.21 lines 11-24 and col.22 lines 1-62)*.

Regarding claims 27 and 28, Pirz teaches the method according to claim 26 including dialing said alternate telephone number of said selected one of said subscribers and supplying a data signal corresponding to said selected one of said subscribers to a remote system, wherein said data signal represents said telephone number of said selected one of said subscribers *(col.21 lines 11-24 and col.22 lines 1-62)*.

Regarding claim 29, Pirz teaches a method of telephone dialing using a voice activated dialer including a directory of subscriber names and telephone numbers(col.4 lines 45-62), the method comprising the steps of receiving a first speech input and recognizing said first speech input to provide first speech content data, selecting one of said subscribers most closely corresponding to said first speech content data and providing a speech output corresponding to the selected one of said subscribers *(col.21 lines 11-24 and col.22 lines 1-62)*;

providing a silent delay period of a predetermined duration within a range of 1.2 to

2.3 seconds immediately subsequent to a completion of said step of providing a speech

output*(col.18 lines 1-2, lines 45-49, and col.19 line 65-col.20 line 24)*;

listening for a second speech input during said silent period *(col.21 lines 11-24 and
col.22 lines 1-62)*;

recognizing said second speech input to provide second speech content data and

selectively (i) initiating alternate processing related to the selected one of said

subscribers in response to said second speech content data including an alternate

processing command, said alternate processing selected from the group of actions

consisting of announcing a telephone number of the selected one of said subscribers,

identifying and announcing an alternative telephone number of the selected one of said

subscribers(col.18 line 65-col.19 line 26 and col.23 lines 1-26), receiving a message for

the selected one of said subscribers and, otherwise, (ii) dialing the telephone number

corresponding to the selected one of said subscribers immediately after said delay

period *(col.21 lines 11-24 and col.22 lines 1-62; further see detailed explanation in claim
1 above)*.

Regarding claim 30, Pirz teaches the method according to claim 29 wherein said

predetermined duration of said silent delay period is in a range of 1.5 to 2.0 seconds

(col.18 lines 1-2, lines 45-49, and col.19 line 65-col.20 line 24).

Regarding claim 52, Pirz teaches a voice activated dialer comprising:

a memory storing a directory of subscriber names and telephone numbers (Fig.1 and

Fig.8),

a speech recognition engine receiving a speech input and providing content data
derived from said speech input signal, a processor responsive to said content data for
selecting one of said subscribers and an audio output providing a speech signal
corresponding to the selected one of said subscribers *(col.21 lines 11-24 and col.22
lines 1-62);* and

a timer providing a silent delay period of a predetermined duration immediately
subsequent to a completion of providing said speech signal wherein said processor
selectively (i) initiates alternate processing in connection with the selected one of said
subscribers in response to a receipt of a command input during said silent delay period,
and (ii) initiates a dialing of the telephone number corresponding to the selected one of
said subscribers immediately after said delay period and in response to an absence of
said command input for a duration of said silent delay period *(col.21 lines 11-24 and
col.22 lines 1-62).*

Regarding claims 53 and 54, Pirz teaches the voice activated dialer according to
claim 52 wherein said duration of said silent delay period is in a range of 1.5 to 2.0
seconds*(col.18 lines 1-2, lines 45-49, and col.19 line 65-col.20 line 24).*

Regarding claim 55, Pirz teaches a voice activated dialer comprising:
a memory storing a directory of subscriber names and telephone numbers (Fig.1 and
Fig.8); a speech recognition engine responsive to a speech input for providing speech
content data and a processor responsive to said speech content data and to a set of
instructions for (i) selecting one of said subscribers most closely corresponding to first
speech content data *(col.21 lines 11-24 and col.22 lines 1-62);*

(ii) providing a speech output corresponding to the selected one of said

subscribers *(col.21 lines 11-24 and col.22 lines 1-62);*

(iii) providing a silent delay period of a predetermined duration within a

range of 1.2 to 2.3 seconds immediately after providing said speech output *(col.18 lines*

1-2, lines 45-49, and col.19 line 65-col.20 line 24);

(iv) initiating alternate processing in connection with the selected one of said

subscribers response to second speech content data including an alternate processing

command, and, otherwise, (ii) dialing the telephone number corresponding to the

selected one of said subscribers immediately after said delay period *(col.21 lines 11-24*

and col.22 lines 1-62, see also explanation in claim 1 above).

Regarding claim 56, Pirz teaches the voice activated dialer according to claim 55

wherein said predetermined duration of said silent delay period is in a range of 1.5 to

2.0 seconds *(col.18 lines 1-2, lines 45-49, and col.19 line 65-col.20 line 24).*

Regarding claim 58, Pirz teaches a method comprising the steps of performing

speech recognition of a first speech input to select a designated subscriber and playing

a voice message indicative of a first processing option in connection with said

designated subscriber*(col.21 lines 11-24 and col.22 lines 1-62);*

providing a silent delay period immediately subsequent to a completion of said playing

step; and selectively identifying a second processing option specified by a second

speech input and, in response, automatically initiating said second processing option in

connection with said designated subscriber*(col.21 lines 11-24 and col.22 lines 1-*

*62);*and

automatically initiating said first processing option in connection with said subscriber is

response to an absence of said second speech input during said silent period *(col.21*

lines 11-24 and col.22 lines 1-62).

Regarding claim 59, Pirz teaches the method of telephone dialing further

comprising the steps of dialing a telephone number of said designated subscriber in

response to said step of automatically initiating said first processing option; and

performing said second processing in response to said step of automatically initiating

said second processing option, said second processing selected from the group

consisting of (i) providing a listing of said designated subscriber, (ii) leaving a message

for said designated subscriber, and (iii) accepting a voice mail for said selected

subscriber *(col.21 lines 11-24 and col.22 lines 1-62, see also explanation in claim 1*

above).

Regarding claim 60, Pirz teaches the method according to claim 58 further

comprising a step of selectively (iii) identifying an exception command specified by said

second speech input and, in response, performing error processing*(col.21 lines 11-24*

and col.22 lines 1-62).

Regarding claim 61, Pirz teaches the method according to claim 60 wherein said

error processing includes the steps of prompting for a third speech input;

performing speech recognition of said third speech input to reselect a designated

subscriber; playing a voice message indicative of said first processing option in

connection with said reselected designated subscriber*(col.21 lines 11-24 and col.22*

lines 1-62);

providing a second silent delay period immediately subsequent to a completion of said

playing step in connection with said reselected designated subscriber; and selectively (i)

identifying a third processing option specified by a fourth speech input and,

in response, automatically initiating said third processing option in connection with said

reselected designated subscriber (ii) automatically initiating said first processing option

in connection with said reselected designated subscriber is response to an absence of

said fourth speech input during said second silent period *(col.21 lines 11-24 and col.22*

lines 1-62).

Regarding claim 62, Pirz teaches the method according to claim 61 further

comprising the steps of dialing a telephone number of said reselected designated

subscriber in response to said step of automatically initiating said first processing

option; and performing said third processing in response to said step of automatically

initiating said third processing option, said third processing selected from the group

consisting of (i) providing a listing of said reselected designated subscriber, (ii) leaving a

message for said reselected designated subscriber, and (iii) accepting a voice mail for

said reselected selected subscriber *(col.21 lines 11-24 and col.22 lines 1-62).*

Regarding claims 4, 9, 20, 31, 35, 39, 50, and 57, Pirz discloses the method and

means according to claims 1, 6, 29, 32, 36, 52, and 55 further comprising the steps of:

pseudorandomly selecting one of a group of content equivalent messages; and playing

the selected message to provide said voice message*(col.19 line 65-col.20 line 24);* and

wherein said duration of said silent delay period is 1.8 seconds*(col.18 lines 1-2 and*

lines 45-49; 1.8 is e.g. 2.0 seconds as Pirz discloses).

Response to Arguments

4.   Applicant's arguments with respect to claims 1-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
May 2, 2006

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